

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Francisco Javier Silva-Navarro,) Case No. 17-376 MJ

a.k.a.: Francisco Silva-Navarro,)

a.k.a.: Francisco Javier Silva,)

a.k.a.: Francisco Navarro,)

(A076 323 455)

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of July 21, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Francisco Javier Silva-Navarro, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near San Ysidro, California, on or about April 30, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts: **See Attached Statement of Probable Cause Incorporated by Reference Herein**

REVIEWED BY: AUSA Amy Brown for AUSA Jacqueline Schesnol

☒ Continued on the attached sheet.

[Signature]
Complainant's signature

Richard G. Prunty,
Deportation Officer

Printed name and title

Sworn to before me and signed telephonically.

Date: September 4, 2017 @ 1506 HRS

[Signature]
Judge's signature

Michelle H. Burns,
United States Magistrate Judge

Printed name and title

City and state: Phoenix, Arizona

STATEMENT OF PROBABLE CAUSE

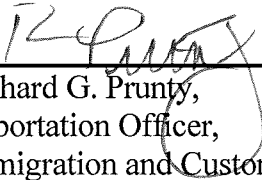
I, Richard G. Prunty, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On July 21, 2017, Francisco Javier Silva-Navarro was booked into the Maricopa County Jail (MCJ) intake facility by the Phoenix Police Department on local charges. While incarcerated at the MCJ, Silva-Navarro was examined by ICE Officer R. Lemme who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the MCJ. On September 1, 2017, Silva-Navarro was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Silva-Navarro was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Francisco Javier Silva-Navarro to be a citizen of Mexico and a previously deported criminal alien. Silva-Navarro was removed from the

United States to Mexico at or near San Ysidro, California, on or about April 30, 2011, pursuant to the reinstatement of an order of removal issued by an immigration judge. There is no record of Silva-Navarro in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Silva-Navarro's immigration history was matched to him by electronic fingerprint comparison.

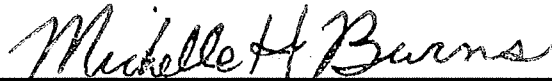
4. Criminal history checks revealed that Francisco Javier Silva-Navarro was convicted of Re-Entry after Deportation, a felony offense, on February 9, 2011, in the United States District Court, District of Arizona. Silva-Navarro was sentenced to seven (7) months' imprisonment and thirty-six (36) months' supervised release. Silva-Navarro's criminal history was matched to him by electronic fingerprint comparison.
5. On September 1, 2017, Francisco Javier Silva-Navarro was advised of his constitutional rights. Silva-Navarro freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about July 21, 2017, Francisco Javier Silva-Navarro, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near San Ysidro, California, on or about April 30, 2011, and not having obtained

the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).



Richard G. Prunty,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed telephonically
this 4th day of September, 2017.



Michelle H. Burns,
United States Magistrate Judge